

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

VINCENT ELLIOT WILSON,
Plaintiff,

v.

Civil No. 3:24cv50 (DJN)

DR. RICHARD ASHBY, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See Wilson v. Morales*, No. 3:23cv204 (DJN), 2023 WL 7545217, at *8 (E.D. Va. Nov. 13, 2023); *Wilson v. Agboola*, No. 3:22cv665 (DJN), 2023 WL 7545220, at *2 (E.D. Va. Nov. 13, 2023); *Wilson v. Arthur*, No. 3:23cv82 (DJN), 2023 WL 2506420, at *6 (E.D. Va. Mar. 14, 2023); *aff'd* 2023 WL 7548182 (4th Cir. Nov. 14, 2023); *Wilson v. Burgess*, No. 3:22cv662 (DJN), 2023 WL 2505863, at *5 (E.D. Va. Mar. 14, 2023); *aff'd* 2023 WL 7548184 (4th Cir. Nov. 14, 2023); *Wilson v. Arthur*, No. 3:22cv602 (DJN), 2023 WL 2507554, at *6 (E.D. Va. Mar. 14, 2023), *aff'd* 2023 WL 4839377 (4th Cir. July 28, 2023); *Wilson v. U.S.P.S.*, No. 3:22cv689 (DJN), 2023 WL 1997069, *2 (E.D. Va. Feb. 14, 2023); *Wilson v. Lindsey*, No. 3:23cv83 (DJN), 2023 WL 1997070, at *2 (E.D. Va. Feb. 14, 2023), *aff'd*

2023 WL 4839386 (4th Cir. July 28, 2023). Given his previous litigation, Plaintiff's current complaint does not plausibly suggest that he is in *imminent* danger of serious physical harm.¹

Accordingly, Plaintiff's request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE.

Plaintiff remains free to submit a new complaint with the full \$405 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/

David J. Novak
United States District Judge

Richmond, Virginia
Date: January 31, 2024

¹ Moreover, Plaintiff indicates that he was denied surgery beginning in 2021 and received surgery sometime in 2023. (ECF No. 1, at 4.) Plaintiff also indicates that the named Defendants left the jail prior to his surgery. (*Id.*) These facts do not suggest that Plaintiff is in imminent danger of serious harm.